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24.02 Moral Problems and the Good Life  
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## Sexual Morality

### I. Questions

- 1) What moral principles apply to sexuality? Is sexuality governed by moral principles with specifically sexual content or only general moral principles that apply to all action?
- 2) What is the most plausible view concerning the moral status of each of the following: sex before marriage; adultery; homosexuality; prostitution; the use of contraceptives; masturbation; open marriage?
- 3) What is the relation between law and morality? Should the law simply protect rights, or should it also enforce morality? Should there be laws regarding sexual behavior between consenting adults? What other governmental policies, if any, is it permissible to use to influence sexual morality?

### II. Economic (Liberal) Model

1. Sex should be guided by the moral principles that apply to any human activity.
2. It is an important moral principle that one should not act to cause (unjustified) harm to oneself or others; another moral principle is that one should not treat others as mere means, i.e., not use them in ways that it would not be reasonable for them to consent to.
3. In order to avoid deception and coercion in sexual activity, voluntary informed consent is required.
4. Sexual activity between two adults is morally acceptable only if both participate under conditions of voluntary informed consent. (From 1-3)
5. Interactions between adults where there is voluntary informed consent by participating parties is morally permissible.
6. Therefore, it is morally permissible for adults to engage in sexual activity under conditions of voluntary informed consent. (From 1 & 5)

Questions:

- This argument relies on a Kantian premise (2). What would a utilitarian say about constraints on sexual activity?
- Are there any limits on what we can consent to? Are there any inalienable rights in the domain of sex?
- What is the basis for (5)? It is very strong. Is it plausible as stated?
- The conclusion (6) places no constraints on the form of sexual activity or the time and place. Does this make adultery permissible? What about sado-masochism?

### III. Can Consensual Sex Be Harmful? (See Robin West, "Sex, Law and Consent")

1. Sexual activity may be harmful even if consensual. E.g., if it is consensual but not desired, it may compromise one's capacities for self-assertion and self-possession, undermine one's autonomy and damage one's integrity. (West).
2. It is wrong to act in ways that cause (unjustified) harm to oneself or others.
3. Therefore, not all sexual activity engaged in under conditions of voluntary informed consent is morally acceptable. (This does not mean, however, that it is up to the law to manage all sexual relations.)

In an effort to articulate the wrongs of rape, feminists (and others) have emphasized the importance of non-consensuality as central to that wrong. It is tempting, then, to assume that if there is consent, then everything is fine and good. West argues that this is wrong. It may be that non-consensuality is one of several things that are wrong with rape; however, the focus on consent should not eclipse other moral concerns that arise in sexual activity.

#### IV. Conservative Views

*Natural Law Approach:* Basic form of the view (Aquinas and Catholic doctrine)

1. “It is good for each person to attain his end, whereas it is bad for him to swerve away from his proper end. [And] this should be considered applicable to the parts, just as it is to the whole being; for instance, each and every part of man and every one of his acts, should attain the proper end.” (Thomas Aquinas, *Summa Contra Gentiles, Book 3*)
2. Procreation is the natural purpose or end of sexual activity [or at least the proper end of the emission of semen].
3. Therefore, sexual activity [or the emission of semen] is morally appropriate only when it is in pursuit of procreation.

Questions:

- What about sex where one or both partners is infertile?
  - If it happens *by accident* that procreation cannot result, it is not wrong.
- What about intentionally having intercourse when a woman is not ovulating?
  - Here too, we must consider what is essential and accidental to the act; it is an accidental feature of intercourse *when* it is performed, what is essential is *how* it is performed.
- What about kissing? If mouths are for eating (or talking?), then is kissing contrary to nature and so wrong? (And licking stamps? Is that wrong too?)
  - Perhaps we should not view the organ as having an essential function, but the activity. It is wrong to lick stamps for the taste; it is wrong to kiss in order to moisten your lips.

*Modified Natural Law Approach:* (Punzo)

1. “A man and a woman engaging in sexual intercourse have united themselves as intimately and as totally as is physically possible for two human beings. Their union...is as intimate and as total a physical union of two selves as is possible of achievement” (278).
2. Those who engage in premarital sex and who have not committed their lives to each other in marriage, “act as though they can amputate their bodily existence and the most intimate physical expression of their selfhood from their existence as historical beings”. (279) This involves a “‘depersonalization’ of their bodily existence, an attempt to cut off the most intimate physical expression of their respective selves from their very selfhood.” (279)
3. One’s “moral task involves the positive attempt to live up to what is best in [human beings], to give reality to what he sees to be the perfection of himself as a human subject.” (277)
4. Therefore, those who engage in premarital sex are not fulfilling their moral task; their acts are wrong.

Questions:

- Is the primary ethical question, as virtue ethicists argue, not “how should I act?” but “what kind of person should I be?” Is Punzo arguing from a virtue approach?
- Punzo has a very substantive account of what sexual intercourse involves. On what basis does he make these claims? What exactly is his argument for suggestion that sex outside of marriage cuts one off from one’s “existence as [a] historical [being]”?
- Does Punzo’s approach entail any restrictions on the permissible forms of sex within marriage?

Broader questions:

- i) What is natural (common? practiced (or not) by other animals? innate?) is not a good guide to what is morally acceptable. Also, homosexuality is, on some understandings of the term, natural (found in the non-human animal world, possibly not chosen but innate, not at all rare).
- ii) What are the purposes of the sexual organs or sexual activity? Can they only have one purpose? Is it really wrong to use an organ for a purpose it wasn’t designed? Are there some activities we engage in “naturally” that aren’t good for us? Are there other “unnatural” activities that are?